



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

LINDA BROWN and BETH ABERNATHY, §
Plaintiffs, §
§
vs. § CIVIL ACTION NO. 6:04-579-HFF
§
SIKORA & ASSOCIATES, INC. and §
THE FIDELITY GROUP, INC., §
Defendants, §
§
and §
§
SIKORA & ASSOCIATES, INC., §
Third-Party Plaintiff, §
§
vs. §
§
STEVEN E. EDWARDS, MICHAEL §
SAMUELSON, BOB W. STOREY, and §
DON YOST, §
§
Third-Party Defendants. §

ORDER VACATING ORDER FILED MAY 20, 2005, AND ENTERING DEFAULT
AGAINST THE FIDELITY GROUP, INC.

On May 19, 2005, Plaintiffs moved this Court to enter default judgment against The Fidelity Group, Inc. On May 20, 2005, the Court denied the motion with the mistaken understanding that Plaintiffs had not sought a clerk's entry of default as required by Rule 55(a) of the Federal Rules of Civil Procedure. However, the clerk's entry of default was filed on May 12, 2004, and thus, Plaintiffs' motion was proper.

Accordingly, IT APPEARING from the Affidavit of David H. Tyner, formerly of Harrison, White, Smith & Coggins, P.A., that Defendant The Fidelity Group, Inc. has been duly served with the Summons and Complaint, and that more than twenty (20) days have elapsed during which no responsive pleading was filed by Defendant The Fidelity Group, Inc.; and

IT FURTHER APPEARING that Defendant The Fidelity Group, Inc. has made no appearance in this matter;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant The Fidelity Group, Inc. is hereby in default,

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a damages hearing be held in conjunction with the trial of Plaintiffs' case against the co-defendants, and the judgment will be entered at that time.

Signed this 25th day of July, 2005, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE